

August 29, 2023

Sue Cahill, City Planner  
City of Kingston  
Kingston, NY 12401

Re: Request for Waiver Supplemental Supporting Information  
80 Washington Avenue, Kingston, NY 12401

Ms. Cahill, and Members of the City of Kingston Planning Board

On behalf of our client, Charles Blachman, we offer the following supporting justification for the board to consider a waiver request from section 405-12/J-3 of the recently adopted form-based zoning code. The property is located in the T4N transect and is immediately adjacent to the George Washington Elementary School. 80 Washington Avenue is the site of the former Hudson Valley Senior Residence which closed in 2021 and was home to 48 residents that were supported by 6 to 12 administrative, nursing, kitchen, and maintenance staff daily, depending on the shift. Specifically, our client is requesting a waiver from the limitation placed on multiplex buildings in the T4N transect and to allow 37 apartments with kitchens in each apartment to activate this unique existing structure on a unique site that is atypical in the T4N transect.

The existing two-story structure, constructed in 1929, sits on 1.633 Acres of land, making it unique in the T4N transect. The size of the existing lot is substantially larger than typical lots in the T4N transect. Most of the properties in the T4N transect have an average lot size of approximately 4,500 sf +/- . Typical city lots in the T4N transect are 40ft wide +/- x 100 ft to 150 ft deep.

A density study has been prepared by our firm to analyze this unique site in the City of Kingston. As you consider this waiver request, we have endeavored to provide supporting evidence to demonstrate the allowable density on the site as support for the waiver request. This study revealed that were it not for the unfortunate inclusion of the property in the T4N transect, given its unique aspects that under the new zoning, the underlying 1.633 Acre property can support up to 39 dwelling units without the need for a waiver.

The recently adopted zoning code was developed with a clear and determined focus to allow for increased housing in the City of Kingston. That underlying foundation of intent can be found throughout the form-based code in a multitude of locations. Our client is seeking to fulfill that desire driven and affirmed by the citizens of the City of Kingston and their elected officials who voted to adopt this code that housing is a priority. While our client and our firm are frustrated that final adoption of the plan necessitates the need to make this waiver request, we have been advised throughout the creation, refinement and final adoption of the current form based code that this property specifically was in the minds of the authors of the zoning code and they anticipated that this project would implement the waiver process authored to support unique such as this one.

The unique characteristics of the existing site and structure are further supported in that Owner and Applicant have retained Heritage Consulting Group who are Historic Preservation Consultants that the Owner, Applicant, and our firm have worked with for over a decade on numerous projects, to seek to have the former Hudson Valley Senior Residence property individually listed on both the NYS and the National Register of Historic Places. All indications, based on research, site evaluations, precedent and the quality and unique integrity of the property are that this site will be deemed eligible and listed.

The City of Kingston, with its rich history dating back to the founding of our nation, is home to a community that treasures its architectural assets and has demonstrated its passion, commitment and support for the preservation and adaptive re-use of existing buildings many of which our firm has had the pleasure of working on over the last 25 years of our practice. The new form-based code places emphasis on supporting the adaptive re-use of existing structures and preserving the historic context of the community. Specifically, the authors of the new zoning code refer to existing non-conforming buildings and uses in section 405.26/1/c and expressly authored and granted the planning board to “liberally interpret” the purpose and intent of the zoning code to allow for the re-use of existing buildings.

- 405.26/1/c: *Any building (other than a sign), the use of which is in conformity with the regulations set forth in this chapter but which building does not conform to one or more of the requirements hereof, other than the requirements which apply to buildings located in designated Historic Districts, may be altered, enlarged or rebuilt but not in a manner that increases the degree of nonconformity. This provision shall be liberally interpreted to allow adaptive reuse of existing buildings.*

It is worth noting that throughout the region, small site senior housing facilities have been closing due to regulatory and financial constraints and it is worth noting that as unique as this structure and site are in the City of Kingston, particularly as viewed through the lens of the newly adopted zoning ordinance, the economic viability of small site senior residences makes structures such as the former Hudson Valley Senior Residence functionally obsolete but for opportunities like the one that the applicant is proposing.

The former Hudson Valley Senior residence provided affordable housing, care, and support to our community of seniors for almost 100 years. The applicant has committed to providing more than 10% of the units as affordable housing and 5% as workforce housing and adhering to the policies that the City of Kingston has established in the form-based code outlined in section 405.19. The applicant has committed to providing 15% of the units as affordable housing and 5% of the units as workforce housing.

The applicant is seeking in essence to replace essential housing opportunities in a unique existing building on a unique site that was constructed almost 100 years prior to the adoption of the new zoning codes adoption on August 1<sup>st</sup> of 2023.

Sincerely,

Scott Dutton, Architect  
DUTTON ARCHITECTURE, PLLC